

CUSTOMER NO.: 24498**Serial No. 09/994,410****Reply to Order returning undocketed appeal: 07/02/07****Response dated: 08/30/07****PATENT
PU010272****REMARKS**

In the Order Returning Undocketed Appeal, the Deputy Chief Appeals Administrator noted that claim 38 incorrectly depends from claim 23 instead of claim 31. In this response, claim 38 has been amended to correctly depend from the method claim 23 to correct for the amendment filed May 06, 2005, which incorrectly amended claim 38 to depend from the system claim 31.

In view of the amendment presented above, the Applicant respectfully submits that the above identified application is now in condition for appeal.

Conclusion

In a telephone conversation of August 30, 2007, the Examiner and the Applicant agreed that by filing this amendment, the above identified patent application would be placed into condition for Appeal. More specifically, in an Appeal Brief filed on June 11, 2007, method claim 38 was cited as being dependent from method claim 23, which is correct. However, in a preliminary amendment filed with an RCE on May 6, 2005, the Applicant inadvertently submitted that method claim 38 depends from system claim 31. As such, the Applicant is herein amending method claim 38 to properly depend from method claim 23 to correct the record, thus placing the Appeal Brief filed on June 11, 2007 in condition for appeal.

Thus, the Applicant submits this amendment places the above identified patent application and the Appeal Brief filed on June 11, 2007 into condition for appeal.

Respectfully submitted,

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